

REMARKS

Claims 1-23 are pending in the application. Claims 1-16 and 23 have been withdrawn from further consideration as being drawn to a non-elected invention. Claims 17-22 have been examined on the merits. The amendments to claim 17 have been made to merely further clarify the presently claimed invention. Support for the amendments can be found within the context of claim 17. No new matter has been introduced.

Rejection Under 35 U.S.C. §102

Claims 17-22 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bamdad '293. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

In the Office action of August 13, 2010, the Examiner stated the following:

The prior art document by Bamded anticipates the instant claims. In addition, the instantly claimed subject matter does not find support in the previously filed applications (e.g., 09/996069, 10/236863, and 10/237,150). Thus, the instant application receives the effective priority date of 9/14/2004, drawn to provisional application 60/610,038. The Bamded document serves as prior art under 102(b) (i.e., "statutory bar"). Thus, the instant claims are appropriately rejected.

Applicant respectfully requests the Examiner to clarify this rejection and reasoning. It appears that the Examiner is indicating that even if the present application is considered to be a continuation-in-part application of the 10/236,863 application of which the cited Bamdad '293 is the patent application publication, the Examiner will still reject the present application over Bamdad '293 application publication. It is difficult to imagine such a scenario. If no support for the present application can be found in the 10/236,863 application, as the Examiner has indicated, how can Bamdad '293 (10/236,863 application) serve as enabling prior art against the presently claimed invention? Clarification is requested.

Rejection Under 35 U.S.C. §112, second paragraph

Claims 17-22 has been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant traverses this rejection. Reconsideration and withdrawal thereof are respectfully requested.

The present claims have been amended to include “higher aryls or substituted aryls” instead of “aryl analogs”. It is believed that insertion of such language renders the claims to be more definite. Withdrawal of this rejection is respectfully requested.

The Commissioner is authorized to charge JHK Law’s Deposit Account No. **502486** for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayment to said Deposit Account No. **502486**.

Respectfully submitted,

JHK Law

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